

**TOWN OF MARLBORO**  
**Development Review Board**

**Subdivision Review**  
**Findings and Decision**

Permit Application #18-25 LD

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review under the Town of Marlboro Subdivision Regulations of an application for a Boundary Line Adjustment, submitted by Applicant Kevin Thatcher, CHA Consulting, Inc., 11 King Court, Keene, NH 03431; on behalf of Owner Marlboro College (Daniel Cotter, Director of Plant & Operations - Maintenance), PO Box A, Marlboro, VT 05344; Location: 2582 South Road, Marlboro, VT; Tax Map # 11-01-37 & 11-01-34; Proposal: Boundary Line Adjustment, necessary to bring proposed classroom building into compliance with setback requirement.

2. The application was received by Mary Sargent, Zoning Administrator, on January 16, 2019. A copy of the application and final plat are available at the Marlboro Town Office.

3. On March 4, 2019, notice of a public hearing was published in the *Brattleboro Reformer*.

4. On March 4, 2019, notice of a public hearing was posted at the following places:

- Marlboro Town Clerk's Office
- Bulletin Board outside the Marlboro Town Clerk's Office
- Marlboro Town Website, [marlborovt.us](http://marlborovt.us)

5. On March 5, 2019, a copy of the notice of a public hearing was mailed to the applicant and to the owner. On March 5, 2019, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

- Adelbert Ames Estate, 84 Jenckes Road, Brattleboro, VT 05301-9652
- Geoffrey Hendricks, 486 Greenwich Street, New York, NY 10013
- James Levinson & Louise Cochran, PO Box 50, Marlboro, VT 05344-0050
- Marlboro School of Music, Inc., 1528 Walnut Street, Suite 301, Philadelphia, PA 19102

6. The application and Subdivision plat were considered by the Development Review Board at a public hearing on March 19, 2019, at 7:05 PM. The Development Review Board reviewed the application and plat under the Town of Marlboro Subdivision Regulations, as amended March 4, 2010.

7. Present at the hearing were the following members of the Development Review Board:

- Steven John, Chair
- Jean H. Boardman, Vice-Chair
- Gail MacArthur
- Brent Seabrook
- John Nevins
- Mary Sargent, Zoning Administrator

8. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested party an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. The following persons sought interested party status:

- Bennett Grout, Chair, Marlboro Planning Commission; Staley McDermet, Vice-Chair, Marlboro Planning Commission

9. During the course of the hearing, the following exhibits were submitted to the Development Review Board:

- Permit Application # 18-25 SP, signed and dated 10/31/2018
- Existing Condition Plan of the proposed construction site, prepared by HGA (Hammel, Green and Abrahamson, Minneapolis, MN), unsigned and dated August 17, 2018
- Boundary Line Adjustment Plat, prepared by Eric J. Poreda (CHA, Albany, NY), signed and dated 1-7-2019
- Proposed Site Layout Plan, prepared by HGA, unsigned, dated August 17, 2018
- Schematic design of the project in detail (18 pages), prepared by HGA, unsigned, dated August 17, 2018
- Town of Marlboro CTI Map, showing parcel boundaries, dimensions, and 20-foot contours, printed on November 19, 2018
- Town of Marlboro CTI Map, showing NAIP Imagery 2014, printed on November 19, 2018
- Town of Marlboro CTI Map, showing Ortho Imagery 2015, printed on November 19, 2018
- List of abutters to Marlboro College property (Tax Map #11-01-37 & 11-01-34), with corresponding Town of Marlboro CTI map, printed on November 7, 2018

These exhibits are available at the Marlboro Town Office.

## FINDINGS

Based on the application, testimony, exhibits and other evidence, the Development Review Board makes the following findings:

1. The applicant seeks to adjust the boundary between two parcels, 11-01-37 and 11-01-34, both owned by Marlboro College. The adjustment is necessary to bring the proposed classroom building into compliance with the setback requirement.
2. The subject property is located at 2582 South Road, Marlboro VT; Tax map numbers 11-01-37 and 11-01-34. The property is more fully described in a Deed recorded at Book 20, Page 231, of the Town of Marlboro Land Records.
3. The property is located in the Educational District, as described in the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office, and in Section 310 of the Town of Marlboro Zoning Regulations.
4. The proposal is considered a Boundary Line Adjustment under Article II, Section 2.1(E)(1) of the Marlboro Subdivision Regulations, dated March 4, 2010.

#### DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the Boundary Line Adjustment of Tax Map Numbers 11-01-37 and 11-01-34, as presented in Permit Application 18-25 LD.

The proposed subdivision meets the requirements of Articles II & III of the Subdivision Regulations.

The Development Review Board approves the application and plat subject to the following conditions:

- No conditions were established at the hearing

The approval of the Development Review Board shall expire 180 days from the date of this decision, unless the approved plat is duly filed or recorded in the office of the municipal clerk.

Dated at Marlboro, Vermont, this 1<sup>st</sup> day of April, 2019



Steven John, Chairman  
Marlboro Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.